

In the United States Court of Federal Claims

No. 21-873

Filed: March 9, 2021

DONALD WAYNE HEROD,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On January 28, 2021, plaintiff, Donald Wayne Herod, proceeding *pro se*, filed a complaint with this Court inquiring about the whereabouts of any stimulus checks. *See generally* Complaint, ECF No. 1. On February 8, 2021, the Court ordered the plaintiff “to provide the Court with a complete *in forma pauperis* application . . . on or before March 8, 2021.” Order at 1, ECF No. 6. In that Order, the Court warned that if plaintiff failed to comply, plaintiff’s Complaint would be dismissed without prejudice for failure to prosecute under Rule 41(b) of the Rules of the Court of Federal Claims (“RCFC”). *Id.* On March 2, 2021, plaintiff filed its “Motion to Withdraw From This Unapproved Filing,” with defendant filing its Response on March 4, 2021. *See generally* Plaintiff’s Motion to Withdraw From This Unapproved Filing, ECF No. 8; Defendant’s Response to Pro Se Plaintiff’s Motion to Withdraw From This Unapproved Filing, ECF No. 9. Plaintiff has failed to comply with the Court’s February 8, 2021 Order. Accordingly, plaintiff’s Complaint is hereby **DISMISSED** without prejudice for failure to prosecute pursuant to RCFC 41(b) and plaintiff’s “Motion to Withdraw From This Unapproved Filing” is hereby **FOUND MOOT**. The Clerk of Court is directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.

Loren A. Smith

Loren A. Smith,
Senior Judge